

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Order of Restitution

v.

YOLANDA RATCLIFF

S3 23 Cr. 80 (LTS)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Rebecca T. Dell and Derek Wikstrom, Assistant United States Attorneys, of counsel; the presentence investigation report; the defendant's conviction on Count One of the Information; and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution

Yolanda Ratcliff, the defendant, shall pay restitution in the total amount of \$391,500, pursuant to 18 U.S.C. § 3663A, to the victim of the offense charged in Count One. The name, address, and specific amount owed to each victim is set forth in the Schedule of Victim, attached hereto as Schedule A. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

A. Joint and Several Liability

Restitution is joint and several with the following defendants, if convicted and ordered to pay restitution, in the following case:

Rodney Smith, 23 CR 80 (LTS)

Zhane Ratcliff, 23 CR 80 (LTS)

Phya Scott, 23 CR 80 (LTS)

Priscilla Jackson, 23 CR 80 (LTS)

Ebony Simon, 23 CR 80 (LTS)

Denise Gant, 23 CR 80 (LTS)

The defendant's liability to pay restitution shall continue unabated until either the defendant has paid the full amount of restitution ordered herein, or the victim in Schedule A has recovered the total amount of restitution owed by the defendant and all co-defendants ordered to pay the same victim.

B. Priority of Payments

The Clerk of the Court shall apply the defendant's payments in the first instance to her outstanding individual restitution obligation of the amount of \$59,000 to the victim. Once the defendant's restitution obligation has been satisfied, the Clerk of the Court shall apply the defendant's restitution payments pro rata to the remainder of her restitution obligation for which she is jointly and severally liable.

C. Apportionment Among Victims

Pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant; including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows:

In the interest of justice, restitution will be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2). The defendant will commence monthly installment payments of at least ten

percent of the defendant's gross income, payable on the first of each month, immediately upon entry of this judgment.

Interest shall not accrue on unpaid restitution.

3. Payment Instructions

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his/her name and the docket number of this case on each check or money order.

4. Change in Circumstances

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

5. Term of Liability

The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

SO ORDERED:

/s/ Laura Taylor Swain
HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

December 14, 2023
DATE

Schedule A

<u>Victim Name</u>	<u>Address</u>	<u>Loss</u>
United States Small Business Administration	SBA / DFC re: Court Ordered Restitution SBA Loan Numbers 1212298210, 1217188200, 1277818201, 2450168206, 5488558204, 5247478203, 5270958203 721 19th Street, Room 301 Denver, CO 80202	\$391,500
TOTAL		\$391,500